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July 5, 2018

**Ex Parte**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Formal Complaint Rules, EB Docket No. 17-245**

Dear Ms. Dortch:

On July 3, 2018, I spoke separately by phone with Jay Schwarz, Wireline Advisor to Chairman Pai, and Rosemary McEnery of the Enforcement Bureau about the *Draft Report and Order*. We continue to support the Commission's efforts to streamline and harmonize the rules governing formal complaint proceedings, including adopting a shot-clock to ensure expeditious resolutions. We are concerned, however, that the *Draft Report and Order* would eliminate important portions of Section 1.1404, which govern procedures for pole attachment complaints. The item would relieve pole owners from the obligation to provide certain data to telecommunications carriers and cable operators upon request, pre-complaint. Those data are critical, and if pole owners do not provide them up front that will only delay and impede the complaint process—the opposite of what the Commission wants to achieve.

NCTA and ACA on July 3 filed proposed language that would fix this situation by restoring the portions of Section 1.1404 that require pole owners to provide data relevant to a pole attachment dispute upon request. The Commission should accept that proposed language to avoid inadvertently slowing down and complicating pole attachment complaints instead of streamlining them.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Curtis L. Groves".

Copies: Jay Schwarz  
Rosemary McEnery